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Security Council

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Australia, Argentina, Chad, Chile, France, Lithuania, Luxembourg, Nigeria, Republic of Korea, Rwanda, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Reiterating its primary responsibility for the maintenance of international peace and security and, in this context, the need to promote and ensure respect for the principles and rules of international humanitarian law,

Recalling Security Council resolution 1502 (2003) on the Protection of Humanitarian Personnel, its resolutions 1265 (1999), 1296 (2000), 1674 (2006), 1738 (2006) and 1894 (2009) on the protection of civilians in armed conflict, as well as other relevant resolutions and statements of its President on protection of civilians in armed conflict and on protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones,

Recalling the Geneva Conventions of 1949 and their Additional Protocols of 1977, and the obligation of parties to armed conflict to respect and ensure respect for international humanitarian law in all circumstances,

Recalling the Convention on the Safety of United Nations and Associated Personnel, and its Optional Protocol,

Recalling all relevant General Assembly resolutions, including resolutions 68/101 entitled *Safety and security of humanitarian personnel and protection of United Nations personnel*, and 68/102 entitled *Strengthening the Coordination of humanitarian emergency assistance of the United Nations*,

Reaffirming the need for all parties to armed conflict to respect the humanitarian principles of humanity, neutrality, impartiality and independence in order to ensure the provision of humanitarian assistance, the safety of civilians receiving assistance and the security of humanitarian personnel and United Nations and its associated personnel,

Recalling the inclusion of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict, as a war crime in the Rome Statute of the International Criminal Court,

Emphasizing the responsibility of States to comply with their relevant obligations to end impunity and to thoroughly investigate and prosecute persons

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responsible for genocide, crimes against humanity and war crimes, in order to prevent these crimes, avoid their recurrence and seek sustainable peace, justice, truth and reconciliation, and, in this regard, reaffirming the need to end impunity for serious violations of international humanitarian law, including those involving attacks against humanitarian personnel,

Stressing that the fight against impunity and to ensure accountability for genocide, crimes against humanity, war crimes and other egregious crimes has been strengthened through the work on and prosecution of these crimes in the international criminal justice system, ad hoc and mixed tribunals as well as specialized chambers in national tribunals; and recognising in this regard the contribution of the International Criminal Court, in accordance with the principle of complementarity to national criminal jurisdictions as set out in the Rome Statute, towards holding accountable those responsible for such crimes, and reiterating its call on the importance of State cooperation with these courts and tribunals in accordance with the States' respective obligations,

Recalling that the primary responsibility under international law for the security and protection of humanitarian personnel and United Nations and associated personnel lies with the Government hosting a United Nations operation conducted under the Charter of the United Nations or its agreements with relevant organizations,

Gravely concerned at the growing number of acts of violence in many parts of the world against national and international personnel of humanitarian organizations, United Nations personnel and its associated personnel, and humanitarian assets, including humanitarian supplies, facilities and transports, in particular deliberate attacks which are in violation of international humanitarian law, as well as other applicable international law and the adverse impact of such violence, including on humanitarian access, exacerbated by the presence of armed actors, including non-state armed groups, terrorist and criminal networks, and their activities,

1. *Reaffirms* the obligation of all parties involved in an armed conflict to comply with international humanitarian law, in particular their obligations under the Geneva Conventions of 1949 and the obligations applicable to them under the Additional Protocols thereto of 1977, to ensure the respect and protection of all humanitarian personnel and United Nations and associated personnel, as well as with the rules and principles of international human rights law and refugee law;

2. *Strongly condemns* all forms of violence and intimidation, including, inter alia, murder, rape and sexual assault, armed robbery, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention to which those participating in humanitarian operations are increasingly exposed, as well as attacks on humanitarian convoys and acts of destruction and looting of their assets;

3. *Urges* all parties involved in an armed conflict to allow full unimpeded access by humanitarian personnel to all people in need of assistance, and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of humanitarian personnel and United Nations and its associated personnel and their assets;

4. *Urges* States to ensure that crimes against humanitarian personnel do not remain unpunished, affirming the need for States to ensure that perpetrators of

attacks committed on their territory against such personnel do not operate with impunity, and that perpetrators of such acts are brought to justice, as provided for by national laws and obligations under international law;

5. *Reaffirms* the obligation of all humanitarian personnel and United Nations and its associated personnel to observe and respect the laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations, and underlines the importance for humanitarian organizations to uphold the principles of humanity, neutrality, impartiality and independence in their humanitarian activities;

6. *Expresses its determination* to take appropriate steps in order to ensure the safety and security of humanitarian personnel and United Nations and its associated personnel, including, inter alia, by:

(a) *Ensuring* that the mandates of relevant United Nations peacekeeping operations can, where appropriate and on a case-by-case basis, help to contribute to a secure environment to enable the delivery of humanitarian assistance by humanitarian organizations, in accordance with humanitarian principles;

(b) *Requesting* the Secretary-General to seek the inclusion of, and that host countries include, key provisions of the Convention on the Safety of United Nations and Associated Personnel, including, among others, those regarding the prevention of attacks against members of United Nations operations, the establishment of such attacks as crimes punishable by law and the prosecution or extradition of offenders, in future as well as, if necessary, in existing status-of-forces, status-of-missions and host country agreements negotiated between the United Nations and those countries, mindful of the importance of the timely conclusion of such agreements;

(c) *Encouraging* the Secretary-General, in accordance with his prerogatives under the Charter of the United Nations, to bring to the attention of the Security Council situations in which humanitarian assistance is unable to reach people in need as a consequence of violence directed against humanitarian personnel and United Nations and its associated personnel;

(d) *Issuing* the declaration of exceptional risk for the purposes of article 1 (c) (ii) of the Convention on the Safety of United Nations and Associated Personnel, in situations where in its assessment circumstances would support such a declaration, and *inviting* the Secretary-General to advise the Security Council, where in his assessment circumstances would support such a declaration;

(e) *Calling* upon all States to consider becoming parties to the Convention on the Safety of United Nations and Associated Personnel and its Optional Protocol, and urging States parties to take steps to enable its effective implementation;

7. *Requests* the Secretary-General to include in all his country-specific situation reports, and other relevant reports which address the protection of civilians, the issue of the safety and security of humanitarian personnel and United Nations and its associated personnel, including recording specific acts of violence against such personnel, remedial actions taken to prevent similar incidents and actions taken to identify and hold accountable those who commit such acts, and to provide the Security Council with recommendations on measures to prevent similar incidents, ensure accountability and enhance the safety and security of such personnel.